

Notice of Allowability	Application No.	Applicant(s)	
	09/870,959	BANKA ET AL.	
	Examiner	Art Unit	
	Mary Cheung	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed May 16, 2005.
2. ☒ The allowed claim(s) is/are 1-34.
3. ☒ The drawings filed on 22 October 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>6/17/2002</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

6

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Do Te Kim on August 5, 2005.

3. The application has been amended as follows:

In line 6 of claim 1, the phrase --, said first one or more application service contracts are provided by a community of one or more provider application routers (PARs)-- has been inserted after the word "Provider";

In line 11 of claim 1, the phrase --, wherein said automatically provisioning first one or more application delivery transports comprises identifying, by a first SAR of said community of one or more SARs, a preferred PAR of said community of one or more PARs, and negotiating a subnet between said first SAR and said preferred PAR-- has been inserted after the word "contracts";

In lines 1-3 of claim 2, the phrase "said first one or more application service contracts are provided by a community of one or more provider application routers (PARs) and" has been deleted;

In line 1 of claim 3, the phrase "claim 2" has been changed to read --claim 1--;

In line 2 of claim 3, the symbol ":" has been deleted;

Art Unit: 3621

In lines 3-4 of claim 3, the phrase "identifying, by a first SAR of said community of one or more SARs, a preferred PAR of said first community of one or more PARs; and" has been deleted;

In line 5 of claim 3, the phrase "a subnet and " has been deleted;

In line 6 of claim 7, the phrase --, said first one or more application service contracts are provided by a community of one or more provider application routers (PARs)-- has been inserted after the word "Provider";

In line 11 of claim 7, the phrase --, wherein said automatically provisioning first one or more application delivery transports comprises identifying a preferred PAR of said community of one or more PARs, and negotiating a subnet between said SAR and said preferred PAR-- has been inserted after the word "contracts";

In line 7 of claim 12, the phrase --, said first one or more application service contracts are provided by a community of one or more provider application routers (PARs)-- has been inserted after the word "Provider";

In line 12 of claim 12, the phrase --, wherein said automatically provisioning first one or more application delivery transports comprises identifying a preferred PAR of said community of one or more PARs, and negotiating a subnet between said SAR and said preferred PAR-- has been inserted after the word "contracts";

In line 14 of claim 17, the phrase --, wherein said automatically provisioning one or more application delivery transports comprises negotiating a subnet between said SAR and said selected one or more of said listed PARs-- has been inserted after the word "contracts";

Art Unit: 3621

In line 10 of claim 20, the phrase --, wherein said automatically provisioning one or more application delivery transports comprises negotiating a subnet between said SAR and said selected one or more of said listed PARs-- has been inserted after the word "contracts";

In the last line of claim 23, the phrase --, wherein said selected ones of said first one or more application delivery transports are provisioned by negotiating a subnet between said first community of one or more SARs and said PAR, and further wherein said selected ones or said second one or more application delivery transports are provisioned by negotiating a subnet between said second community of one or more SARs and said PAR-- has been inserted after the word "PAR";

In line 20 of claim 28, the phrase --, wherein said selected ones of said first one or more application delivery transports are provisioned by negotiating a subnet between said first community of one or more SARs and said PAR, and further wherein said selected ones or said second one or more application delivery transports are provisioned by negotiating a subnet between said second community of one or more SARs and said PAR-- has been inserted after the word "SARs";

In the last line of claim 33, the phrase --, wherein said selected one or more application delivery transports are provisioned by negotiating a subnet between said community of one or more SARs and said PAR-- has been inserted after the word "SARs";

In line 12 of claim 34, the phrase --, wherein said selected one or more application delivery transports are provisioned by negotiating a subnet between said community of one or more SARs and said PAR-- has been inserted after the word "SARs".

Allowable Subject Matter

4. Claims 1-34 are pending. Claims 1-34 are allowed.
5. The following is an examiner's statement of reasons for allowance:

The closest prior art of Kaplan et al. (U. S. Patent 6,141,339) teaches providing communications services to an end-user that includes a residential hub connected to the communication system over a DSL connection. The residential hub converts voice traffic to ATM for transmission over the DSL connection.

In regarding to independent claims 1, 7, 12, 17, 20, 23, 28 and 33-34, Kaplan taken either individually or in combination with other prior art of record fails to teach or suggest providing application service contracts by application service provider to a community of subscriber application routers (SAR), wherein said application service contracts specifying subscriptions to the application services provided by the application service provider, and said application service contracts are provided by a community of provider application routers (PAR), and negotiating a subnet between said SAR and said PAR.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parker et al. (EP 1 160 691 A2) discloses distribution system for structured information.

Article titled "Foreign ISPs Look to the Skies for Internet Access" by Susan O'Keefe (Telecommunications (Americas Edition) v33n3, p65, March 1999, ISSN: 0278-4831).

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

Art Unit: 3621

(571) 273-8300 (Official Communications; including After Final
Communications labeled "BOX AF")

(571) 273-6705 (Draft Communications)

Mary Cheung
Primary Examiner
Art Unit 3621
August 5, 2005

MARY D. CHEUNG
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Mary D. Cheung", with a stylized flourish at the end.